

STANDARD APPLICATION  
Harford County  
Board of Appeals  
Bel Air, Maryland 21014

AUG 27 2004

Case No. 51448  
Date Filed 5/26/04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code

CASE 5448

MAP 39 TYPE Variance

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☒ Change/Extension of Non-Conforming  
☒ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the C  
☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 4 LOCATION 1811 Parkwood Drive, Forest Hill, Md. 21050

BY Stephen B. and Karen A. Tracey

Appealed because a variance pursuant to Section 267-26C(4) of the Harford County Code  
to allow an existing detached garage within the required front yard in a RR District requires approval by  
the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Stephen B. Tracey and Karen A. Tracey Phone Number Call Attorney

Address 1811 Parkwood Drive Forest Hill MD 21050  
*Street Number Street City State Zip Code*

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative Michael E. Leaf, Esquire Phone Number 410 893-2333

Address 112 S. Main Street, Suite 102 Bel Air MD 21014  
*Street Number Street City State Zip Code*

## Land Description

Address and Location of Property 1811 Parkwood Drive

Forest Hill, MD 21050

Subdivision Parkwood

Lot Number 14

Acreage/Lot Size .91

Election District 04

Zoning RR

Tax Map No. 39

Grid No. 2B

Parcel 453

Water/Sewer: Private XX

Public       

List ALL structures on property and current use: House (living quarters) new garage (storage of antique car) shed (storage for lawn equipment)

Estimated time required to present case: 20 minutes

If this Appeal is in reference to a Building Permit, state number 04076R0010

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes        No XX

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes XX No       

Is this request within one (1) mile of any incorporated town limits? Yes        No XX

## Request

Variance from 40' front yard set back requirement for twelve (12) feet, more or less on or corner.

## Justification

See attached.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

04:54:3;08/26/04  
4540726A;20533.00

### **Justification**

The property is a corner lot with two front yard set back requirements. The property is improved by house, pool and existing vegetation. Applicant staked out garage forty feet from road. The builder shifted back corner of garage towards the road to make the building square with the swimming pool. Applicant was unaware of this problem until applicant was notified by Harford County Planning and Zoning Department. The building inspector approved the footer so applicant assumed there was no problem. The property is unique and literal enforcement of code would require demolition of garage. Encroachment does not harm anyone.

4540726A

JAMES M. HARKINS  
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.  
DIRECTOR OF ADMINISTRATION



Department of Planning and Zoning

*Zoning Enforcement Section*

J. Steven Kaii-Ziegler, Director

---

## HARFORD COUNTY GOVERNMENT

---

June 7, 2004

Mr. and Mrs. Stephen B. Tracey  
1811 Parkwood Drive  
Forest Hill, Maryland 21050-2006

Re: Permit No.: 04076B0010 – Detached Garage

Dear Mr. and Mrs. Tracey:

A review of our records indicate that permit number 04076B0010 was issued for the construction of a detached garage on the left side of the dwelling on your property at 1811 Parkwood Drive. As you know, our Zoning Inspector, Mr. Robert Grammer, visited the property on June 1, 2004, concerning the placement of the garage. Our records indicate the property contains approximately 0.91 acre and is zoned RR Rural Residential.

Approval of the above permit was based on the site plan which you submitted with your permit application. In addition, the permit was conditioned the garage shall not encroach into the 40' front yard setback on the property. It appears the garage is not located in accordance with your site plan. Mr. Grammer reported the distance from the garage to Parkwood Drive is 38 feet. Therefore, it appears that the garage encroaches into the front yard setback by 2 feet.

The County Zoning Code requires that site plans which are submitted with permit applications must accurately depict the exact location, size, height and setback of any additions on residential lots, including decks, patios, fences, pools, sheds, etc. Permits which are issued on the basis of misrepresentation, mistake, or fraud, are subject to revocation. If you have information contrary to that stated above regarding the placement of the garage, please submit same to us.

Section 267-26C(4) of the Harford County Zoning Code does not allow for any accessory use or structure in the front yard except agriculture, signs, fences, walls or parking areas and garages. You have the option of applying to the Board of Appeals for a variance from Section 267-26C(4) for the garage to remain in the current location. Once a completed application has been filed and the fees paid, an automatic Stay of Proceedings takes effect on the existing Zoning Code violation, which means that no further action can be taken against you regarding the violation pending the Board's decision. The appeals process takes approximately four months if the decision is not appealed. The filing fee for the variance is \$450.00, payable when the application is filed, and there is no guarantee that the request will be approved as the decision rests solely with the Hearing Examiner. Prior to submitting an application, it is necessary to schedule a pre-application meeting with the members of our staff who handle such cases. If you would like to schedule a meeting to discuss your options and/or the appeals process, please

*Preserving our values. protecting our future.*

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

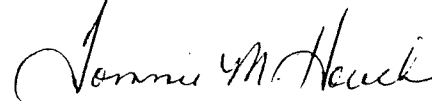
and Mrs. Stephen B. Tracey  
June 7, 2004  
Page Two

---

contact Ms. Koren Ayres, in this department at 410-638-3103. Also enclosed is information and an application for the Board of Appeals filing. Please note that the property owner or his/her authorized agent must file the application.

We would appreciate your attending to these matters within twenty (20) calendar days from the date of this letter, to avoid the issuance of a formal Notice of Violation. In the meantime, if you have any questions or wish to discuss the matter further, please phone the undersigned at 410-638-3103. Thank you for your anticipated cooperation.

Very truly yours,



Tommie M. Houck  
Chief, Zoning Enforcement Section

TMH/mmp

Enclosure

c.c. Koren Ayres, Department of Planning and Zoning  
Tess Cunzeman, Board of Appeals

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION

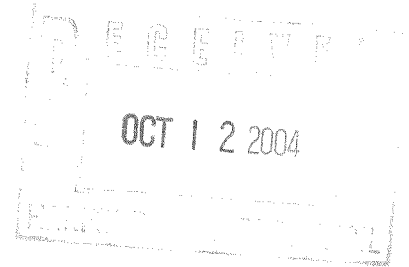


**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

October 11, 2004



### STAFF REPORT

#### **BOARD OF APPEALS CASE NO. 5448**

APPLICANT/OWNER: Stephen B. Tracey and Karen A. Tracey  
1811 Parkwood Drive, Forest Hill, Maryland 21050

REPRESENTATIVE: Michael E. Leaf, Esquire  
112 S. Main Street, Suite 102, Bel Air, Maryland 21014

LOCATION: 1811 Parkwood Drive – Parkwood Subdivision  
Tax Map: 39 / Grid: 2B / Parcel: 453 / Lot: 14  
Election District: Fourth (4)

ACREAGE: 0.91 of an acre

ZONING: RR/Rural Residential

DATE FILED: August 26, 2004

HEARING DATE: October 27, 2004

#### **APPLICANTS' REQUEST and JUSTIFICATION:**

##### Request:

“Variance from 40’ front yard set back requirement for twelve (12) feet, more or less on one corner.”

##### Justification:

See Attachment 1.

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow an existing detached garage within the required front yard setback in the RR/Rural Residential District.

Section 267-26C(4) of the Harford County Code reads:

- (4) *No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 267-23C, Exceptions and modifications to minimum yard requirements.*

Enclosed with the report is a copy of Section 267-23C of the Harford County Code (Attachment 2).

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The subject property is located west of Baldwin Mill Road (MD Route 165) in the development of Parkwood. The Applicants' property is located on the northeast corner of Parkwood Drive and Moran Court. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The property is located outside of the Development Envelope. The predominant land use designations in this area of the County are Agricultural and Rural Residential. The Natural Features Map reflects parks, stream systems and properties in Agricultural Preservation Districts and Easements. This property is located within the Rural Residential designation, which is defined by the 2004 Master Plan as:

**Rural Residential** – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Agricultural uses include cropland, pastureland and large areas of dense woodland. There are several single-family developments in the immediate area. Commercial uses are located in the

## STAFF REPORT

Board of Appeals Case Number 5448

Stephen & Karen Tracey

Page 3 of 4

Rural Village of Jarrettsville to the north of the subject site. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The subject lot is a corner lot with frontage on Parkwood Drive and Moran Court. It is approximately 0.98 of an acre in size. The topography of the property is level to gently sloping. Improvements include a frame two-story dwelling with an attached two-car garage and decking across the rear of the dwelling. To the left of the dwelling is a detached two-car garage with the garage doors facing towards the dwelling. A blacktopped driveway provides access to the garages. Immediately to the rear of the garage and to the left side of the dwelling is an in-ground pool with white fencing. To the rear of the pool is a frame utility shed. The well is located on the Parkwood Drive side of the property next to the driveway. The portion of the lot to the rear of the dwelling is designated as septic reserve. Along the front of the lot in the area of the detached garage and along the left property line are large, mature trees, approximately 20 to 25 feet in height that screen it from the road and adjoining property. Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 8, 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications include AG/Agricultural and RR/Rural Residential. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the aerial photograph (Attachment 11).

### Zoning Enforcement:

The subject request is the result of a zoning enforcement investigation. This Department received a complaint on May 28, 2004 stating that the garage was encroaching into the 40 foot front yard setback by 5 feet. An inspection of the site was conducted on June 1, 2004. The property owner was not home; however, several workers from Caldwell construction were at the site. A measurement was taken from the garage to the paved portion of Parkwood Drive and found that the garage was 38 feet from the road surface. At the time of the inspection, the garage was only partially completed. The garage was not constructed in accordance with the site plan approved with the permit. A hold was placed on all future inspections until further notification from the Department. The site plan that accompanied the permit located the garage at 41 feet from the property line.

This Department sent the Applicants a letter dated June 7, 2004 outlining the complaint and the findings of the Department's inspection. The letter discussed the need for Board of Appeals approval and suggested that they contact the Department for a pre-application meeting. A meeting was held on June 30, 2004. Enclosed with the report are copies from the enforcement file for informational purposes only (Attachment 12).



## STAFF REPORT

Board of Appeals Case Number 5448

Stephen & Karen Tracey

Page 4 of 4

### **SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow an existing detached garage within the required front yard setback in the RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

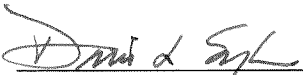
Although the garage is only 25 feet from the property line, the garage does not adversely impact traffic along Parkwood Drive. The existing trees provide screening along the road and from the adjacent property. The garage is 38 feet from the travel way of the road.


The Applicants have submitted statements from immediate neighbors who do not object to the requested variance (Attachment 13).

### **RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall amend the existing permit to accurately reflect the location of the garage.
2. The garage shall not be used for the storage of contractor's equipment and/or commercial vehicles.
3. The garage shall not be used in the furtherance of a business.
4. The garage shall not be converted into living quarters now or in the future.
5. The garage shall not be attached to the existing dwelling in the future.
6. The Applicants shall maintain the existing trees around the garage.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka